

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>KEITH DRUMMOND,</b> Petitioner,  <b>v.</b> <b>JANET HUTCHINSON,</b> Respondent.	) ) ) ) ) )	C.A. No. 24-15 Erie  <b>District Judge Susan Paradise Baxter</b> <b>Chief Magistrate Judge Richard Lanzillo</b>
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**MEMORANDUM ORDER**

This action for habeas corpus relief was initially received by the Clerk of Court on January 17, 2024; however, because the petition was unaccompanied by either the filing fee or a motion to proceed *in forma pauperis*. Petitioner subsequently filed a motion for leave to proceed *in forma pauperis* [ECF No. 3] that was granted on April 15, 2024 [ECF No. 6], and his petition was docketed at such time [ECF No. 7].

In his habeas petition, Petitioner asks that this Court vacate his conviction and sentence, arguing that he was convicted of conduct that has subsequently been rendered non-criminal by the United States Supreme Court's decision in Rehaif v. United States, 588 U.S. 225 (2022). Thus, in essence, Petitioner seeks relief under 28 U.S.C. § 2241, pursuant to the "savings clause" of 28 U.S.C. 2255(e), which allows a federal prisoner to challenge the validity of his underlying conviction where it "appears that the remedy by [§2255 petition] is inadequate or ineffective to test the legality of his detention." The petition was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On January 17, 2025, Chief Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be denied, with prejudice [ECF No. 20]. In particular, Judge Lanzillo found, *inter alia*, that Petitioner has not met the jurisdictional requirements of § 2255’s savings clause under Jones v. Hendrix, 599 U.S. 465 (2023). Petitioner has not filed timely objections to the R&R.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 20th day of March, 2025,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and the report and recommendation of Chief Magistrate Judge Lanzillo, issued on January 17, 2025 [ECF No. 20], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case “CLOSED.”



SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
Chief United States Magistrate Judge

All parties of record